

## JONES DAY

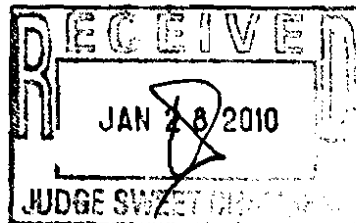
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January 28, 2010

VIA FACSIMILE (212) 805-7925

Honorable Robert W. Sweet  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312



Re: Association for Molecular Pathology, et al. v. U.S. Patent and Trademark Office, et al., Civil Action No. 09-4515 (RWS)

Dear Judge Sweet:

We are counsel for defendants, Myriad Genetics and the individuals named as Directors of the University of Utah Research Foundation ("Myriad defendants"). As you are aware, oral argument on the pending summary judgment motions, as well as the USPTO motion for judgment on the pleadings, is scheduled for next Tuesday, February 2, at 10:00 am.

In presenting at the oral argument, it may be of assistance to the Court to utilize a PowerPoint presentation. On behalf of the Myriad defendants, we are writing this letter to seek permission to utilize such a PowerPoint (or other visual) presentation should we choose to do so. We have discussed this with counsel for the plaintiffs and they have consented, provided that we provide them with a copy of any presentation by 3:00 pm on Monday afternoon, February 1. In turn, plaintiffs would do the same should they elect to use a PowerPoint (or other visual) presentation at oral argument.

Respectfully,

Brian M. Poissant

cc: (via email)

Christopher A. Hansen  
Sandra S. Park  
Daniel B. Ravicher  
Ross E. Morrison, Esq.

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Sweet v. USPTO  
1.29.10*